

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

DAMIAN ORLOWSKI, et al

*Plaintiffs on behalf of themselves
and others similarly situated,*

V.

LARRY BATES, et al

Defendants.

Case No. 2:11-cv-01396

JURY DEMANDED

**MOTION TO ATTACH MONIES PAID TO ROSSVILLE CHRISTIAN ACADEMY
PURSUANT TO ORDERS OF PREJUDGMENT ATTACHMENT**

COME NOW the Plaintiffs, on behalf of themselves, and all others similarly situated, by and through their attorneys, and move the Court to attach monies paid by Robert Bates to Rossville Christian Academy pursuant to the Orders of Prejudgment Attachment, and would show the Court:

I.

INTRODUCTION

As the Court is aware, this lawsuit has been ongoing since December 28, 2011 (ECF # 1). It has been amended a total of three times. (ECF #1, 53, 224, 375). Discovery ensued and multiple depositions have been taken, including the depositions of Barry Friedrichs (ECF #322-2), Barry Denison (ECF #322-1), Barbara Bates (ECF #87), Robert Bates (ECF #89), Chuck Bates (ECF #323), Ken Williams (ECF #94), Sherry Barnett (ECF #93), Bryan Bermudez (ECF #90), Stuart

Cadieu (ECF #91), Denise Rikard (ECF #92), Steven Graves, Cindy Standley (ECF #364-1), Larry Bates (ECF#183) and Kinsey Brown (Bates) (ECF #88) were taken at various times during the proceedings.

On October 9, 2013, Plaintiffs moved for an emergency temporary restraining order to freeze the defendants' assets (ECF # 116). On October 14, 2013, this Court granted Plaintiffs' Emergency Application for Temporary Restraining Order Freezing the Assets of Defendants. (ECF #120). Plaintiffs moved for a receiver on October 7, 2013 (ECF # 115), and John Ryder was appointed on October 21, 2013 (ECF #123). The depositions of Ryder, consultant Mark Rosenberg, and accountant Rhett Butler were also taken and have been filed with the Court. The Court converted the temporary restraining order into an injunction and ordered the individual Defendants to turn in their passports. (ECF # 164). Cindy Standley and Kinsey Brown Bates were later added to that Order.

On August 4, 2015, a federal grand jury criminally indicted Robert Bates, Chuck Bates, and Larry Bates, Case No. 2:15-cr-20192-SHL-1. The Receiver and Plaintiffs jointly moved for prejudgment attachment (ECF No. 439, 442). These motions were granted (ECF No. 440, 443), hearings were held, and the attachments remain in place at this time.

The Court, on June 8, 2015, granted Plaintiffs permission to serve a subpoena on Rossville Christian Academy. As a result of that subpoena, Plaintiffs obtained the enrollment and promissory contract for 2015/2016 academic year (Exhibit A hereto), where Robert Bates agreed to pay a total of \$5,874.00 in tuition for his minor child.¹ This agreement was signed on February 10, 2015. As

¹After speaking with counsel for Rossville Christian Academy, it is the understanding of Plaintiffs' counsel that the minor child is not enrolled for the 2015/2016 school year.

a result of the subpoena, Plaintiffs also obtained the payment history of 2014 and 2015 of Robert Bates, which reflects that \$6,425.56 has been paid to Rossville Christian Academy between July 21, 2014 and July 1, 2015 (Exhibit B hereto).

On August 8, 2015, Plaintiffs served Rossville Christian Academy with copies of the prejudgment orders of attachment pertaining to Robert Bates. See Exhibit C hereto. Plaintiffs then spoke with the headmaster and the attorney for Rossville Christian Academy, and upon information and belief, Rossville Christian Academy is likely holding unearned funds paid to it by Robert Bates, which are subject to prejudgment attachment.

Plaintiffs respectfully request that Rossville Christian Academy immediately tender to the Receiver any monies paid to the school by Robert Bates for the 2015-2016 academic year.

RESPECTFULLY SUBMITTED November 24, 2015.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 24, 2015, a true and correct copy of the foregoing document was forwarded by electronic means *via* the Court's electronic filing system to:

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